BOARD OF SUPERVISORS COUNTY OF TUOLUMNE

March 6, 2012 9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Richard H. Pland, Chair, Randy Hanvelt, Vice Chair; Elizabeth Bass, Evan Royce, and John L. Gray, being present. Also present were County Administrator Craig L. Pedro; Gregory J. Oliver, County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: None

Supervisor John Gray, led the Pledge of Allegiance.

The Board observed a moment of silence in memory of passed former Assemblyman Norm Waters

Oral Comm-Sheriff Arrest Tom Tishler addressed the Board on a recent incident that occurred at the Sheriff's Department and the District Attorney.

Oral Comm-Mobilehome Parks Mta.

Rosemary Tomai, President of the Homeowners Coalition Mobile Home Parks of Tuolumne County, addressed the Board on a recent meeting on the Mobile Home Rent Control Ordinance and how the County administers it.

Oral Comm-Sheriff Steve Dillman addressed the Board on an incident and arrest at Donnells Dam involving the Sheriffs Office.

Oral Comm-TC Comm. on Aging

Carleton Penwell of the Tuolumne County Commission on Aging addressed the Board on the Tuolumne County Commission on Aging's goals for 2012.

Consent Calendar

On motion of Supervisor Gray, seconded by Supervisor Bass, the following items on the Consent Calendar were approved by unanimous vote.

Minutes

1. Minutes of the meeting held February 7, 2012.

Ordinance Summary 2. Finding that a summary of Ordinance Nos. 3188, 3189 and 3190 was published February 23, 2012, in The Union Democrat as required by law.

BH-Discharge of Accountability 3. Approving the discharge of accounts for Behavioral Health in the amount of \$222,088.64 for the period beginning July 2008 to December 2009 in accordance with Government Code § 25259.

Oak Grove Cem Dist. Reappt.

4. Approving the reappointment of Peggy Andrews to the Oak Grove Cemetery District for a term to expire on January 31, 2016.

Proclamation-American Red Cross Month

Tracie Riggs, Administrative Analyst, requested consideration of proclaiming March, 2012 as American Red Cross Month in Tuolumne County and responded to questions from the Board.

On motion of Supervisor Royce, seconded by Supervisor Bass, the following resolution was adopted by unanimous vote.

Resolution No. 12-12

Proclaiming March, 2012 as American Red Cross Month in Tuolumne County.

Commendation-PG&E

The Board considered approving a Certificate of Recognition to Pacific Gas & Electric (PG&E) Company for its voluntary efforts towards water conservation and responded to questions from the Board.

The Chair presented the Certificate to Randy Herbs, PG&E Manager.

Mr. Herbs addressed the Board.

It was moved by Supervisor Royce, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve the Certificate of Recognition to Pacific Gas & Electric (PG&E) Company for its voluntary efforts towards water conservation.

Supervisor Royce declared a conflict of interest and left the dais at 9:21 a.m.

Small Business Revolve Loan CDBG Appt.

Maureen Frank, Deputy County Administrator, requested consideration of approving appointments of a private finance member and two at large alternates to the Small Business Revolving Loan Review Committee - Community Development Block Grant (CDBG) with no term limits responded to questions from the Board.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by 4-0 vote with Supervisor Royce being absent, to approve the appointment of Phil Van Swoll, as the private finance member of the Small Business Revolving Loan Review Committee - CDBG with no term limits.

Ms. Frank responded to questions from the Board.

It was moved by Supervisor Bass, seconded by Supervisor Gray, and carried by 4-0 vote with Supervisor Royce being absent, to approve the appointment of Steven Campbell, Sr. as an alternate-at large member of the Small Business Revolving Loan Review Committee - CDBG with no term limits.

It was moved by Supervisor Hanvelt, seconded by Supervisor Bass, and carried by 4-0 vote with Supervisor Royce being absent, to approve the appointment of Robert Edwards as an alternate at-large member of the Small Business Revolving Loan Review Committee - CDBG with no term limits.

Supervisor Royce returned to the dais at 9:27 a.m.

TCOC -TOT Expansion

The Board continued consideration of approving Ordinance No. 3187 to expand application of the Transient Occupancy Tax (TOT) to camping sites, houseboats and other forms of lodging and a resolution authorizing placement of the matter on the June 5, 2012 ballot.

Craig Pedro, County Administrator, presented the updated staff report responded to questions from the Board.

Brian Robison, Whispering Pines Conference Center Director, Esther Osborn, Marble Quarry RV Park; Frank Helm of Dodge Ridge; addressed the Board.

Gregory Oliver, County Counsel, addressed the Board.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by unanimous vote to approve the following ordinance

Ordinance No. 3187

Amending §§ 3.32.020 and 3.32.040 of the Tuolumne County Ordinance Code amending the definitions in the Transient Occupancy Tax to apply the Transient Occupancy Tax to camping sites, other lodges and houseboats and amending the Transient Occupancy Tax exemptions to take effect upon the approval of a majority of the voters voting on the Ordinance.

Chair continued the matter to later in the meeting.

Agree-Comcast for Broadband

Daniel Richardson, Deputy County Administrator, requested consideration of approving a Contract with Comcast Business Communications for internet bandwidth services for a period of five years at a cost of \$2,079 per month and responded to questions from the Board.

Mr. Pedro responded to questions from the Board.

Ben Hulet, CEO of Mother Lode Internet, LLC addressed the Board.

Mr. Richardson; Mr. Pedro and Barry Jacobs, Network Administrator, responded to questions from the Board.

Trace Williams of Comcast, and Mr. Hulet addressed the Board.

Mr. Oliver and Mr. Richardson responded to questions from the Board.

The Chair continued the matter to March 20, 2012.

The Board recessed at 10:29 a.m. and reconvened at 10:40 a.m.

TCOC -TOT Expansion and Resolution (Cont.'d)

The Board continued consideration of approving the resolution authorizing placement of the matter on the June 5, 2012 ballot.

Mr. Oliver addressed the Board.

On motion of Supervisor Gray, seconded by Supervisor Bass, the following resolution was adopted by unanimous vote.

Resolution No. 13-12

Authorizing placement of proposal of an amended Transient Occupancy Tax to include camping sites, houseboats and other forms of lodging, on the June 5, 2012 ballot.

Comment Ltr Re: Half Dome Trail Stewardship Plan

Ms. Riggs requested consideration of approving correspondence commenting on the Half Dome Trail Stewardship Plan Environmental Assessment report and responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Hanvelt, and carried by unanimous vote, to approve correspondence commenting on the Half Dome Trail Stewardship Plan Environmental Assessment report as amended, authorizing the Chair to sign.

CALED Rpt.

Mr. Pedro and Larry Cope, Economic Development Director, requested consideration of accepting 2012 California Association of Local Economic Development (CALED) Professional Advisory Service Report and responded to questions from the Board.

It was moved by Supervisor Royce, seconded by Supervisor Hanvelt, and carried by unanimous vote, to accept the 2012 CALED Professional Advisory Service Report.

TCOC-Code Compliance (1st Reading)

Mr. Oliver and Carlyn Drivdahl, Deputy County Counsel, requested consideration of waiving the first reading of an ordinance to repeal and replace Chapter 1.10 of the Tuolumne County Ordinance Code with a new Chapter 1.10 regarding code compliance and responded to questions from the Board.

Beverly Shane, Community Resources Agency Director, responded to questions from the Board.

Mark Banks, Tuolumne County Building Industry, addressed the Board.

Ms. Drivdahl and Ms. Shane responded to questions from the Board.

It was moved by Supervisor Gray, and seconded by Supervisor Bass, and carried by unanimous vote, to waive reading and introduce an ordinance, to repeal and replace Chapter 1.10 of the Tuolumne County Ordinance Code with a new Chapter 1.10 regarding code compliance, setting second reading for March 20, 2012.

Reso-Grant CalRecycle Sign authority Change Ms. Shane requested consideration of changing the authorized signatory for the Department of Resources Recycling and Recovery (CalRecycle) grants and payment program from the Public Works Director to the Community Resources Agency (CRA) Director and responded to questions from the Board.

On motion of Supervisor Gray, seconded by Supervisor Hanvelt, the following resolution was adopted by unanimous vote.

Resolution No. 14-12

Authorized signatory for the Department of Resources Recycling and Recovery (CalRecycle) grants and payment program from the Public Works Director to the Community Resources Agency (CRA) Director.

Planning Commissions/ Committee Task Force The Board considered establishing the Planning Commissions and Committees Task Force.

Discussion ensued.

Mr. Oliver and Ms. Shane responded to questions from the Board.

Phil Reiss of the Columbia Area Planning Commission addressed the Board.

Mr. Pedro responded to questions from the Board.

Mr. Banks addressed the Board.

Discussion ensued.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by unanimous vote, to approve the formation of a Planning Commissions and Committees Task Force to include the Chair appointment of Supervisor Royce as the representative of the Board of Supervisors; primary staff as CRA Director or designee; County Administrator or designee and Economic Director or designee and seek applications to fill the following appointments: one (1) Tuolumne County Planning Commissioner; one (1) Area Planning commissioner; one (1) Design Review Committee member; one (1) Building Industry Association Representative; and one (1) Tuolumne County Business Council Representative and direct the Clerk of the Board to post with a deadline of March 26, 2012 and appointments on April 3, 2012.

The Board recessed at 12:00 p.m. and reconvened at 1:30 p.m.

RZ-Lopes

Public hearing was declared open to consider LOPES, ELMER AND CONNIE: 1) amending §17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (RZ10-002) 6.2+ acres to RE-5:PD; and 2. Planned Unit Development Permit PUD10-001 to allow a detached secondary dwelling unit, located at 11272 Sawmill Mountain Road, off Highway 120, APN 68-340-08.

Ms. Shane presented the staff report and responded to questions from the Board.

Stephen Gregory, Fire Inspector, responded to questions from the Board.

Matt Chapman; Melvin George; Mary Beth Campbell; and Ben Gardella spoke in opposition.

No one else wished to speak, the public hearing was declared closed.

Ms. Drivdahl and Ms. Shane responded to questions from the Board.

It was moved by Supervisor Gray and seconded by Supervisor Royce, to approve the 1) zone change to RE-5:PD finding that: A) the proposed Zone Change is consistent with the Tuolumne County General Plan; B) the proposed Zone Change is in accordance with the Tuolumne County Ordinance Code: C) the project site is suited to the uses permitted under the proposed zoning district; D) the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to §15303 of the State CEQA Guidelines; and 2) the Planned Unit Development Permit PUD10-001 based on condition numbers 1-20 finding that: A) the proposed Planned Unit Development Permit is consistent with the Tuolumne County General Plan; B) the proposed Planned Unit Development Permit will not overburden existing municipal facilities; C) the size and terrain of the parcel is suitable for the development proposed in the Planned Unit Development Permit; **D)** under the circumstances of the particular case, approval of the proposed Planned Unit Development Permit will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed development, or be substantially detrimental or injurious to property or improvements in the neighborhood; E) under the circumstances of this particular case, the public benefit derived from the development proposed in the Planned Unit Development Permit is sufficient to justify exemption from the normal application of the County's development regulations. The public benefit derived from this project is the provision of affordable housing; and F) the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to §15303 of the State CEQA Guidelines, and adoption of the following Ordinance.

Ordinance No. 3191

A special ordinance amending §17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

Discussion ensued.

Motion carried unanimously.

The Board recessed at 2:27 p.m. and reconvened at 2:32 p.m.

Cali Invest-VTS Map/RZ/LAFCO/ Indem Agree

The Board continued the public hearing was declared open to consider CALI INVESTMENTS, LLC, 1) Vesting Tentative Subdivision Map 04TSM-054(3) to create the Argonaut Estates Subdivision by dividing 114+ acres into 18 lots ranging from 5.0 to 10.0 acres in size; 2) Special Ordinance amending §17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (RZ08-024) 61.9+ acres to RE-5:MX, 17.6+ acres to O, and 34.5+ acres to O-1; 3) Resolution for application to the Local Agency Formation Commission to modify County Service Area #38 to include maintenance of drainage, emergency access, roads, fire protection improvements, and to extend its boundaries; and 4) Indemnification Agreement by and between the County and CALI Investments requiring the applicant and any successor in interest to defend, indemnify, and hold harmless the County from any claims, actions, proceedings, or liability of any nature arising from the County's review or approval of the proposal, located at the eastern terminus of Cabezut Road approximately 1 ½ miles east of its intersection with Greenley Road, a portion of §§ 32 and 33, Township 2 North, Range 15 East; APNs 44-010-45 and 45-151-06.

The Chair announced that the public hearing will be reopened to consider conditions of approval.

Ms. Shane presented the updated staff report and responded to questions from the Board.

Duke York, Deputy Director of Roads for the CRA, responded to questions from the Board.

Bob Ozbirn spoke in favor and responded to questions from the Board.

Ms. Shane responded to questions from the Board.

Tom Brennan and Mr. Ozbirn responded to questions from the Board.

Eileen O'Brien spoke neutrally.

Mr. York responded to questions from the Board.

The Chair continued the matter to later in the day.

TCOC-Tuolumne Parking and Alleyways Supervisor Royce declared a conflict of interest and left the dais at 2:53 p.m.

Public hearing was declared open to consider: 1) amending the Tuolumne County Ordnance Code by: A) adding §3.40.045 to establish the Tuolumne In-Lieu Parking Fee; B) modifying the definition of alley in §17.04.070; C) adding §17.60.070(I) to establish standards for parking barriers; D) adding §17.60.100 to establish parking standards for the Community of Tuolumne; and E) amending the parking standards in Chapter 17.60 to provide clarification of existing provisions; and 2) amend the Tuolumne County Ordinance Code by adding §11.12.067 to

address the use of alleys.

Ms. Shane presented the staff report and responded to questions from the Board.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Gray, seconded by Supervisor Bass, and carried by 3-1 vote with Supervisor Hanvelt dissenting and Supervisor Royce being absent, to approve the following Ordinances finding that: **A)** the proposed ordinances are consistent with the Tuolumne County General Plan; **B)** the proposed ordinances are in accordance with the Tuolumne County Ordinance Code; **C)** the proposed ordinances will implement the recommendations of the Tuolumne Parking & Alleyway Study; **D)** the proposed ordinances are not subject to review under the California Environmental Quality Act (CEQA) pursuant to §15061(b)(3) of the State CEQA Guidelines; and **E)** incorporate the Tuolumne County Planning Commission's recommendation pertaining to the in lieu parking fees, and adopt the following ordinances as amended.

Ordinance No. 3192

Adding §3.40.045 to establish the Tuolumne In-Lieu Parking Fee; modifying the definition of alley in §17.04.070; adding §17.60.070(I) to establish standards for parking barriers; adding §17.60.100 to establish parking standards for the Community of Tuolumne; and amending the parking standards in Chapter 17.60 to provide clarification of existing provisions.

Ordinance No. 3193

Adding §11.12.067 to address the use of alleys.

Supervisor Royce returned to the dais at 3:09 p.m.

Cali Invest-VTS Map/RZ/LAFCO/ Indem Agree

The Board continued the public hearing was declared open to consider CALI INVESTMENTS, LLC, 1) Vesting Tentative Subdivision Map 04TSM-054(3) to create the Argonaut Estates Subdivision by dividing 114+ acres into 18 lots ranging from 5.0 to 10.0 acres in size; 2) Special Ordinance amending § 17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of Zoning Districts under the Tuolumne County Uniform Zoning Ordinance by rezoning (RZ08-024) 61.9+ acres to RE-5:MX, 17.6+ acres to O, and 34.5+ acres to O-1; 3) Resolution for application to the Local Agency Formation Commission to modify County Service Area #38 to include maintenance of drainage, emergency access, roads, fire protection improvements, and to extend its boundaries; and 4) Indemnification Agreement by and between the County and CALI Investments requiring the applicant and any successor in interest to defend, indemnify, and hold harmless the County from any claims, actions, proceedings, or liability of any nature arising from the County's review or approval of the proposal, located at the eastern terminus of Cabezut Road approximately 1 ½ miles east of its intersection with Greenley Road, a portion of §§ 32 and 33, Township 2 North, Range 15 East; APNs 44-010-45 and 45-151-06.

Ms. O'Brien addressed the Board neutrally.

Mr. York responded to questions from the Board.

No one else wished to speak, the public hearing was declared closed.

It was moved by Supervisor Bass and seconded by Supervisor Royce, to approve: 1) the Negative Declaration, finding that: A) the proposed project will not result in significant adverse impacts to the environment; B) the Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and State and County guidelines for the implementation of CEQA; and C) the Negative Declaration reflects the independent judgment of the County of Tuolumne; D) pursuant to §21081.6(a)(1) of the Public Resources Code, a reporting and/or monitoring plan has been prepared, as incorporated into the conditions of Vesting Tentative Subdivision Map 04TSM-054(3), in order to avoid significant effects on the environment; E) the conditions of Vesting Tentative Subdivision Map 04TSM-054(3) are roughly proportional to the respective potential environmental impacts associated with the proposed project; F) pursuant to §21081.6(a)(2) of the Public Resources Code, the custodian and location of the documents and materials which constitute the record of proceedings upon which this decision to adopt the Negative Declaration had been made are as follows: i) Clerk of the Board of Supervisors, 2 South Green Street, Sonora, California; ii) Environmental Coordinator/Community Resources Director, Tuolumne County Community Resources Agency, 48 West Yaney, Sonora, California; iii) Agricultural Commissioner/Air Pollution Control Officer, Tuolumne County Agricultural Commissioner, Weights and Measures, Animal Control, and Air Pollution Control, 22365 South Airport Road, Sonora, California; iv) Fire Prevention Division, Tuolumne County Fire Department, 48 West Yaney, Sonora, California; 2) zone change to RE-5:MX; O and O-1, finding that: A) the proposed Zone Change is consistent with the Tuolumne County General Plan; B) the proposed Zone Change is in accordance with the Tuolumne County Ordinance Code; and C) the project site is suited to the uses permitted under the proposed zoning districts; 3) the Vesting Tentative Subdivision Map 04TSM-054(3), based on conditions 1 through 122 with noted changes, finding that: A) the proposed land division is consistent with the Tuolumne County General Plan; B) the proposed land division is consistent with the Tuolumne County Ordinance Code; C) none of the mandatory findings requiring denial of a tentative map in §66474 the State Subdivision Map Act apply to this project; and **D)** providing inclusionary units on site would be a hardship; therefore, an in-lieu fee may be paid; 4) adopting the following resolution, finding that A) the proposed subdivision has interior roads that will not be accepted into the County Maintained System; B) the Board of Supervisors Resolution 107-09, requires that prior to approval of a final subdivision map a mechanism for funding be established for maintenance of all roads not accepted into the County Maintained System and identifies the formation of a County Service Area as an acceptable mechanism; C) the Board of Supervisors may initiate proceedings through LAFCO pursuant to §25210.11 of the Government Code (County Service Area Law); and D) the proposed resolution conforms to the requirements of §56000 et seg of the California

Government Code (Cortese-Knox-Hertzberg Reorganization Act of 2000) as it pertains to formations of County Service Areas and adoption of the following Ordinance and Resolution.

Ordinance No. 3194

A special ordinance amending §17.06.020 of the Tuolumne County Ordinance Code by establishing the boundaries of zoning districts under the Tuolumne County Uniform Zoning Ordinance.

Resolution No. 15-12

Approving application to the Local Agency Formation Commission (LAFCO) to modify the County Service Area (CSA) #38 for maintenance of drainage improvements, maintenance of the emergency vehicle access on Lot 24 of Unit 1 of the Scenic Brook subdivision, to extend the boundaries of the CSA to incorporate the emergency vehicle access easement, maintenance of fire protection improvements, maintenance of interior subdivision roads excluding Cabezut Road, and to include a permanent maximum special tax to provide for perpetual maintenance of the roads and associated facilities.

Ms. Shane responded to questions from the Board.

Motion carried by unanimous vote.

Reports-Royce

Supervisor Royce reported that on February 22, 2012 he attended the Sheriff's Town Hall meeting in Twain Harte; on February 27th, he attended meetings with staff; attended the Central Sierra Child Support Agency meeting; and on March 3rd he celebrated his grandparent's 65th Wedding Anniversary.

Reports-Hanvelt

Supervisor Hanvelt reported that on February 22, 2012, he attended a Grand Yosemite Project meeting; on February 24th, he attended an Regional Council of Rural Counties (RCRC) meeting and a meeting Kristin Olsen's staff; on February 27th, he attended United States Forest Service Conference in Auburn and a Youth Commission meeting; on March 1st, he attended a meeting with staff; on March 2nd, he met with Bob Rucker at the Forest Service Office and attended a Central Sierra Art's Council presentation of the winners of the "Poetry Out Loud" contest; on March 3rd, he attended a performance of Hamlet at State 3; on March 5th he attended a meeting with Larry Cope; a meeting with Roberta Mendoza of GO Rail; and a Governmental Affairs Council (GAC) meeting.

Reports-Gray

Supervisor Gray reported that on February 21, 2012, he attended a meeting in Groveland on a public transport bus from Sonora to Yosemite; on February 22nd, he attended a Catholic Charities meeting and held outside office hours in Groveland; on February 23rd, he attended a meeting on the 120 corridor; on February 27th, he attended a Board of Supervisors Transportation Committee meeting; on February 28th, he spoke at the Mobile Coalition meeting; on March 5th, he had lunch with Carlo De Ferrari and Charlie Dyer on Groveland Court records.

Reports-Bass

Supervisor Bass reported that on February 28, 2012, she met with Forest Service Supervisor Susan Skalski; on March 1st, she attended an Area 12 Agency on Aging meeting; is mentoring a youth on senior issues; and on March 5th, she attended a Sonora Hills Homeowners Association meeting.

Reports-Pland

Supervisor Pland reported that on February 23, 2012, he attended a California State Association of Counties (CSAC) Board of Directors Conference Call; on March 24th, he attended an RCRC meeting and Board of Supervisors Traffic Committee meeting; on February 28th, he attended the Population Committee meeting; on March 3rd he attended the Sierra Repertory Theater Gala; and on March 5th, he attended the GAC meeting.

Reports-Pedro

Mr. Pedro reported on the status of the Phase II AB900 funding; the status of Kennedy Meadows; status of the Lambert Drop In Center; and commended Ms. Drivdahl on work well done on the Code Compliance ordinance.

Reports-Drivdahl

Ms. Drivdahl reported that on February 27, 2012, Mr. Oliver attended the Mobile Home Park Coalition meeting; the status of Kennedy Meadows; reported on her upcoming maternity leave beginning March 9th.

Reports-Jamar

Alicia Jamar, Chief Deputy Clerk of the Board, reported that on on February 27, 2012, she Clerked the Tuolumne County Youth Commission meeting.

The Chair announced that item number 15 has been pulled off the agenda.

The Chair adjourned the meeting at 3:41 p.m., to the next regular meeting scheduled for March 20, 2012, at 9:00 a.m.

APPROVED:

RICHARD H. PLAND, CHAIR

ATTEST:

Alicia L. Jamar, Chief Deputy

Clerk of the Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

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